UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,503	07/01/2003	Joann J. Ordille	502082-A-01-US (Ordille)	4423

7590   02/04/2009

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EXAMINER
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ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
02/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/611,503	ORDILLE ET AL.
	Examiner	**Art Unit**	
	JOSEPH T. PHAN	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>24 November 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-26</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-26 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

3.   Claims 1- 26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Claims 1, 17, and 26 newly recite an 'intended recipient' in line 3 and 'not said intended

recipient' in line 9 which is unclear and confusing as it is not known what defines the 'intended'.

The specification does not mention the term 'intended', Applicant's closest embodiment

of a 'recipient' is 'recipient Joann' in line 22 of page 9, however this embodiment does not

support the 'intended recipient and designated persons' in view of the other claim limitations.

Applicant's embodiment of a third party(page 6 lines 1-8) does not support 'determining

an originating endpoint address associated with <u>said received communication</u>. As the

specification defines 'endpoint address' as the calling party, however the third party(calling

party) does not identify the designated persons associated with the calling party.

Claims 6-7 and 18-19 recite "said endpoint" which lacks antecedent basis.

Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-26 rejected under 35 U.S.C. 102(b) as being anticipated by Orwick et al., Patent

#6,201,856.

Regarding claims 1, 17, and 26 Orwick teaches a method, an apparatus, and an article

of manufacture(Fig.1) for providing a notification of an event, said method and apparatus

comprising : a memory and at least one processor(Fig.1), coupled to the memory, operative to:

receive a communication for an intended recipient(col.3 line 51-col.4 line 5);

in response to said receipt of said communication, perform the following:

determining an originating endpoint address on a network associated with said received

communication(Fig.1 and col.3 line 57-col.4 line 25);

identifying one or more designated persons that have been previously designated for said

originating endpoint address, wherein at least one of said designated persons is not a sender of

said communication and is not said intended recipient(Fig.1 and col.4 lines 19-38);

generate a notification message, and send said notification message to said one or more

designated persons(Fig.1 and col.4 lines 39-64).

Regarding claim 2, Orwick teaches the method of claim 1, wherein said notification

message is provided to said one or more designated persons in accordance with preference

information specified by each of said one or more designated persons(Fig.1 and col.4 lines 19-38; designated persons' phone number for calls).

Regarding claim 3, Orwick teaches the method of claim 1, wherein content for said notification message is obtained substantially close in time to when said notification message is provided to said one or more designated persons(Fig.1 and col.4 lines 26-64 and col.5 lines 35-44).

Regarding claim 4, Orwick teaches the method of claim 2, wherein said preference information includes at least one media preference(Fig.1 and col.4 lines 19-38; telephone).

Regarding claim 5, Orwick teaches the method of claim 2, wherein said preference information includes at least one human language type preference(Fig.1 and col.4 lines 39-64; 911 voice/speech).

Regarding claim 6, Orwick teaches the method of claim 1 wherein said endpoint is identified based on a telephone number of a calling party associated with said communication(Fig.1 and col.3 line 57-col.4 line 25).

Regarding claim 7, Orwick teaches the method of claim 1, wherein said endpoint is identified based on an address associated with said communication(Fig.1 and col.3 line 57-col.4 line 25).

Regarding claim 8, Orwick teaches the method of claim 1, wherein said identifying, generating and sending steps are performed in response to said received communication being placed to a specified telephone number(Fig.1 and col.3 line 57-col.4 line 38).

Regarding claim 9, Orwick teaches the method of claim,1, wherein said event is an emergency that has been reported to a receiver(col.4 lines 20-38).

Regarding claim 10, Orwick teaches the method of claim 1, wherein said event is a telephone call that has been placed to a help desk(col.4 lines 20-38).

Regarding claim 11, Orwick teaches the method of claim 1, further comprising the step of receiving at least one response to said notification message(col.4 lines 42-67).

Regarding claim 12, Orwick teaches the method of claim 1, further comprising the step of receiving at least one status update from at least one of said one or more designated persons (col.4 line 46-col.5 line 30).

Regarding claim 13, Orwick teaches the method of claim 1, further comprising the step of dispatching an appropriate response to said communication(col.5 lines 5-35).

Regarding claim 14, Orwick teaches the method of claim 13, further comprising the step of receiving at least one status update from a person associated with said appropriate response(col.5 lines 5-35).

Regarding claim 15, Orwick teaches the method of claim 1, further comprising the step of notifying at least one of said one or more designated persons of a status update(col.5 lines 5-35).

Regarding claim 16, Orwick teaches the method of claim 1, wherein said notification message is provided to said one or more designated persons in accordance with a communication flow that describes whether each of said one or more designated persons is notified based on a response from one other of said one or more designated persons(col.4 line 46-col.5 line 43).

Regarding claim 18, Orwick teaches the apparatus of claim 17, wherein said notification message is provided to said one or more designated persons in accordance with preference information specified by each of said one or more designated persons(Fig.1 and col.4 lines 19-38; designated persons' phone number for calls).

Regarding claim 19, Orwick teaches the apparatus of claim 17, wherein said endpoint is identified based on a telephone number of a calling party associated with said communication(Fig.1 and col.3 line 57-col.4 line 25).

Regarding claim 20, Orwick teaches the apparatus of claim 17, wherein said endpoint is identified based on an address associated with said communication(Fig.1 and col.3 line 57-col.4 line 25).

Regarding claim 21, Orwick teaches the apparatus of claim 17 wherein said event is an emergency that has been reported to a receiver(Fig.1 and col.4 lines 20-39).

Regarding claim 22, Orwick teaches the apparatus of claim 1.7, wherein said event is a telephone call that has been placed to a help desk(Fig.1 and col.4 lines 20-39).

Regarding claim 23, Orwick teaches the apparatus of claim 1.7, wherein said processor is further configured to receive at least one response to said notification message(Fig.1 and col.4 lines 20-39).

Regarding claim 24, Orwick teaches the apparatus of claim 17, wherein said processor is further configured to receive at least one status update(col.5 lines 5-35).

Regarding claim 25, Orwick teaches the apparatus of claim 17 wherein said processor is further configured to dispatch an appropriate response to said communication(col.5 lines 5-35).

6.   **Claims 1- 26 rejected under 35 U.S.C. 102(e) as being anticipated by Contractor et al., Patent #6,427,001.**

Regarding claims 1, 17, and 26 Contractor teaches a method, an apparatus, and an article of manufacture(Fig.1) for providing a notification of an event, said method and apparatus

comprising : a memory and at least one processor(Fig.1), coupled to the memory, operative to:

receive a communication for an intended recipient(208 Fig.2);

in response to said receipt of said communication, perform the following:

determining an originating endpoint address on a network associated with said received

communication(Fig.1, 206 Fig.2);

identifying one or more designated persons that have been previously designated for said

originating endpoint address, wherein at least one of said designated persons is not a sender of

said communication and is not said intended recipient(Fig.1, 214 Fig.2, col.3 line 63-col.4 line

5);

generate a notification message, and send said notification message to said one or more

designated persons(Fig.1 and 216 Fig.2).

Regarding claim 2, Contractor teaches the method of claim 1, wherein said notification

message is provided to said one or more designated persons in accordance with preference

information specified by each of said one or more designated persons(col.6 lines 37-55).

Regarding claim 3, Contractor teaches the method of claim 1, wherein content for said

notification message is obtained substantially close in time to when said notification message is

provided to said one or more designated persons(Fig.2).

Regarding claim 4, Contractor teaches the method of claim 2, wherein said preference

information includes at least one media preference(col.7 lines 21-40).

Regarding claim 5, Contractor teaches the method of claim 2, wherein said preference

information includes at least one human language type preference col.7 lines 21-40).

Regarding claim 6, Contractor teaches the method of claim 1 wherein said endpoint is

identified based on a telephone number of a calling party associated with said

communication(col.8 lines 31-67).

Regarding claim 7, Contractor teaches the method of claim 1, wherein said endpoint is

identified based on an address associated with said communication(col.8 lines 31-67).

Regarding claim 8, Contractor teaches the method of claim 1, wherein said identifying,

generating and sending steps are performed in response to said received communication being

placed to a specified telephone (col.6 lines 37-55).

Regarding claim 9, Contractor teaches the method of claim,1, wherein said event is an

emergency that has been reported to a receiver(Fig.2 and col.8 lines 31-67).

Regarding claim 10, Contractor teaches the method of claim 1, wherein said event is a

telephone call that has been placed to a help desk(Fig.2 and col.8 lines 31-67).

Regarding claim 11, Contractor teaches the method of claim 1, further comprising the

step of receiving at least one response to said notification message(col.9 lines 1-34).

Regarding claim 12, Contractor teaches the method of claim 1, further comprising the

step of receiving at least one status update from at least one of said one or more designated

persons (col.9 lines 1-34).

Regarding claim 13, Contractor teaches the method of claim 1, further comprising the

step of dispatching an appropriate response to said communication(col.8 line 31-col.9 line 34).

Regarding claim 14, Contractor teaches the method of claim 13, further comprising the

step of receiving at least one status update from a person associated with said appropriate

response(col.8 line 31-col.9 line 34).

Regarding claim 15, Contractor teaches the method of claim 1, further comprising the

step of notifying at least one of said one or more designated persons of a status update(col.8 line 31-col.9 line 34).

Regarding claim 16, Contractor teaches the method of claim 1, wherein said notification message is provided to said one or more designated persons in accordance with a communication flow that describes whether each of said one or more designated persons is notified based on a response from one other of said one or more designated persons(col.6 lines 37-55).

Regarding claim 18, Contractor teaches the apparatus of claim 17, wherein said notification message is provided to said one or more designated persons in accordance with preference information specified by each of said one or more designated persons(col.6 lines 37-55).

Regarding claim 19, Contractor teaches the apparatus of claim 17, wherein said endpoint is identified based on a telephone number of a calling party associated with said communication(Fig.2-3).

Regarding claim 20, Contractor teaches the apparatus of claim 17, wherein said endpoint is identified based on an address associated with said communication(col.8 line 31-col.9 line 34).

Regarding claim 21, Contractor teaches the apparatus of claim 17 wherein said event is an emergency that has been reported to a receiver(col.8 line 31-col.9 line 34).

Regarding claim 22, Contractor teaches the apparatus of claim 1.7, wherein said event is a telephone call that has been placed to a help desk(col.8 line 31-col.9 line 34).

Regarding claim 23, Contractor teaches the apparatus of claim 1.7, wherein said processor is further configured to receive at least one response to said notification message(col.8 line 31-col.9 line 34).

Regarding claim 24, Contractor teaches the apparatus of claim 17, wherein said processor is further configured to receive at least one status update(col.8 line 31-col.9 line 34).

Regarding claim 25, Contractor teaches the apparatus of claim 17 wherein said processor is further configured to dispatch an appropriate response to said communication(col.8 line 31-col.9 line 34).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH T. PHAN whose telephone number is (571)272-7544. The examiner can normally be reached on Mon-Fri 9am-6:30pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/

Examiner, Art Unit 2614